EXHIBIT

A

FILED
10/23/2015 6:39:20 PM
Donna Kay McKinney
Bexar County District Clerk
Accepted By: Consuelo Gomez

CIT CML SAC1

2015CI18007

ROLANDO BELTRAN	§	**IN THE DISTRICT COURT**
	§	
VS.	§	131ST **JUDICIAL DISTRICT**
	§	
UNION PACIFIC RAILROAD COMPANY	§	
	§	**BEXAR COUNTY, TEXAS**

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES PLAINTIFF, ROLANDO BELTRAN by and through undersigned counsel of record, and in accordance with the Texas Labor Code, Texas Civil Practice and Remedies Code, and the Texas Rules of Civil Procedure files this, his Original Petition against the DEFENDANT, UNION PACIFIC RAILROAD COMPANY in Texas. For cause of action, Plaintiff would show unto the Court the following:

I.
DISCOVERY CONTROL PLAN

1. This suit is intended as a Level 2 case governed by Rule 190.3, Texas Rules of Civil Procedure. There is a possibility that Plaintiff may need to convert this to a Level 3 (Discovery Control Plan by Court Order) case. *See* Rule 190.4, Texas Rules of Civil Procedure.

II.
THE PARTIES

2. Plaintiff is a male citizen of the United States and a Texas resident living in San Antonio, Bexar County, Texas. Plaintiff as of the submission of this Original Petition is 42 years old.

3. Defendant, UNION PACIFIC RAILROAD COMPANY is a railroad company operating in the State of Texas and may be served through its registered agent with citation as follows:

CT Corporation System
1999 Bryan Street
Dallas, Texas 75201

4. Defendant, UNION PACIFIC RAILROAD COMPANY ("Union Pacific") at all times relevant hereto was Plaintiff's employer as defined by and within the meaning of the Texas Labor Code. Union Pacific has in excess of 500 employees.

5. Defendant, Union Pacific is a railroad company operating in the State of Texas as well as San Antonio, Bexar County, Texas.

III.
JURISDICTION AND VENUE

6. On or about January 9, 2015 Defendant UNION PACIFIC RAILROAD COMPANY discriminated against ROLANDO BELTRAN who timely filed a Charge of Discrimination against UNION PACIFIC RAILROAD COMPANY with the appropriate administrative agencies, including the United States Equal Employment Opportunity Commission (hereinafter "EEOC") and the Civil Rights Division of the Texas Workforce Commission (hereinafter "TWC") identified as charge number 451-2015-01495.[1]

7. On or about September 28, 2015 Plaintiff received a Notice of Right to File a Civil Action (hereinafter "Notice") from the TWC indicating that his administrative remedies had been exhausted and that he could therefore file suit within the next 60 days[2].

8. By filing a Charge of Discrimination, receiving his Notice, and filing suit within the

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[1] A copy of the Charge is annexed to Plaintiff's Original Petition as Exhibit 1 and is incorporated by reference as if fully set forth herein.

[2] A copy of the Notice is annexed to Plaintiff's Original Petition as Exhibit 2 and is incorporated by reference as if fully set forth herein.

prescribed period Plaintiff has complied with all conditions precedent and exhausted all applicable administrative remedies prior to filing suit.

9. Plaintiff ROLANDO BELTRAN asserts claims against the Defendant for violations of the Texas Labor Code and other statutes and common law rights thereby invoking the jurisdiction of this Court.

10. Because the acts and omissions forming the basis of this suit occurred in Bexar County, Texas venue is appropriate in the county or district courts of Bexar County, Texas.

IV.
STATEMENT OF FACTS

11. Plaintiff worked for UNION PACIFIC RAILROAD COMPANY in San Antonio, Texas for almost eleven (11) years, commencing employment in 2004 as a carman and later promoted to car foreman in 2014. Prior to suffering an adverse employment action, Plaintiff earned income of approximately $90,000.00 per year plus health, life insurance and retirement benefits.

12. As a car foreman, Plaintiff was generally responsible for supervising the carmen at the railroad yard. At all times relevant hereto, Plaintiff performed these duties and executed his job responsibilities in a dependable and capable manner. Furthermore, Plaintiff was qualified for the position because he possessed the requisite skills, experience, education and other job related requirements for the position.

13. On or about November 14, 2014, Plaintiff was requested by UNION PACIFIC RAILROAD COMPANY to submit to a drug test which results were negative. On or about November 20, 2013, Plaintiff was again requested to submit to another drug test.

14. On or about November 25, 2013, Plaintiff received a call from Dr. R. Barnett, the railroad's Medical Review Officer who requested Mr. Beltran to provide a description of his

medication prescriptions. Plaintiff provided his medications as: Phentermine, an amphetamine-like prescription medication used to suppress appetite in an effort to lose weight; Symbicort, an inhaler for treatment of Mr. Beltran's asthma; and Colchicine, a medication used to prevent Mr. Beltran's gout attacks. The Medical Review Officer refused to hear about Mr. Beltran's over-the-counter medications which included: Fastin-XR to assist with weight loss; Robitussin for cough, and Nyquil for Mr. Beltran's cold-like symptoms. The Medical Review Officer stated to Mr. Beltran that he tested positive for "street" type methamphetamine type "D". This was a false and untrue statement.

15. On January 7, 2015, the railroad conducted an investigation hearing regarding the allegations of drug use by Mr. Beltran. During the investigation hearing a review of Mr. Beltran's medications was entered into the record which included the prescribed medications and the over-the-counter medications described above.

16. During the hearing, testimony was given by David Neff, General Chairman of the The American Railway and Airway Supervisors Association ("ARASA") that the prescribed medications and the over-the-counter medications Mr. Beltran had ingested prior to his drug testing by the railroad company caused a false positive for amphetamines or methampetamines based on the written opinion of Michael Zeitlin, M.D. Dr. Zeitlin's written professional medical opinion is attached hereto as Exhibit 3.

17. Despite the testimony and evidence provided by Mr. Beltran, his witness and David Neff, General Chairman of ARASA, Mr. Beltran received a Notification of Discipline Assessed dated January 9, 2015 stating "permanent dismissal" and Level 5 Violation Upgrade.

18. Based upon infomation and belief, the Union Pacific Railroad Company has a history of discriminating against older males and employees with disabilities. Mr. Beltran is a

Hispanic male and has a disability of morbid obesity for which he was prescribed Phentermine.

V.
VIOLATION OF THE TEXAS LABOR CODE

19. On April 10, 2015 Mr. Beltran requested that the Equal Employment Opportunity Commission and the Texas Workforce Commission's Civil Rights Division issue a charge of discrimination against UNION PACIFIC RAILROAD COMPANY. Charge Number 451-2015-01495 was thereafter signed and filed on April 17, 2015.

20. This was based on gender (male), race (Hispanic), disability (morbid obesity) and age (year of birth 1972), over 40.

VI.

21. By and through his Original Petition, Plaintiff pleads that he was replaced by someone outside the protected class, *i.e.*, someone who was (i) female; (ii) younger; (iii) and or non-Hispanic.

22. At all relevant times hereto, Defendant's actions were willful and intentional.

VII.

23. No federal claims are hereby asserted.

VIII.
DAMAGES

24. By and through this Original Petition, Plaintiff pleads that the Defendant UNION PACIFIC RAILROAD COMPANY, and its agents, employees and representatives, have caused Plaintiff Ryan grievous harm and damages. As a direct and proximate result of its violations of Texas law, the Defendants have caused Plaintiff to suffer lost wages (at the rate of at least $90,000.00 per year plus benefits) in the past and future in an amount to be determined at trial by

the trier of fact.

IX.

25. By and through his Original Petition, Plaintiff pleads that Defendant Union Pacific Railroad Company has caused him to suffer mental anguish, loss of personal as well as professional reputation. Plaintiff will, in all likelihood and for the balance of his life, continue to suffer mental anguish. As such, Plaintiff is entitled to compensatory damages for past and future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

26. By and through his Original Petition, Plaintiff pleads that the Defendant, Union Pacific Railroad Company violated his legal rights intentionally and willfully. As such, Plaintiff is entitled to liquidated damages in an amount to be determined at inquest and at the maximum rate permitted by law.

X. ATTORNEY FEES

27. Plaintiff was forced to secure the services of undersigned counsel to protect his rights as guaranteed by the Texas Constitution, as well as the Texas Labor Code and therefore requests an award of attorney fees. Plaintiff's counsel has expended more than 40 hours of time through the filing date of this Petition. Counsel charges a reasonable and customary rate of between $200.00 per hour to $300.00 per hour depending on the nature of the services provided, the qualifications of counsel and where the services were performed (e.g., in-office services are billed at a lower rate than depositions, hearings, trials, etcetera).

XI.
JURY DEMAND

28. Plaintiff hereby requests that this case be set for trial on the Court's Jury Docket.

XII.
REQUEST FOR DISCLOSURE

29. Plaintiff hereby requests the disclosures authorized by Texas Rule of Civil Procedure 194.2:

(a) the correct names of the parties to the lawsuit;

(b) the name, address, and telephone number of any potential parties;

(c) the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial);

(d) the amount and any method of calculating economic damages;

(e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;

(f) for any testifying expert:

(1) the expert's name, address, and telephone number;

(2) the subject matter on which the expert will testify;

(3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;

(4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:

(A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and

(B) the expert's current resume and bibliography;

(g) any indemnity and insuring agreements described in Rule 192.3 (f);

(h) any settlement agreements described in Rule 192.3 (g);

(i) any witness statements described in the Rule 192.3 (h);

(j) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medial records and bills

(k) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and

(l) the name, address, and telephone number of any person who may be designated as a responsible third party.

XIV.
PRAYER

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF ROLANDO BELTRAN prays that, upon final trial on the merits, he recover judgment against the DEFENDANT UNION PACIFIC RAILROAD COMPANY and said judgment entitling Plaintiff to:

1. Compensation for all reasonable damages suffered by Plaintiff, including, but not limited to, past and future wages and other compensation, in an amount to be determined upon inquest;

2. Compensation for compensatory damages, in an amount to be determined upon inquest;

3. Liquidated damages, in an amount to be determined upon inquest;

4. Damages for the loss of reputation suffered by plaintiff.

5. Pre-judgment and post-judgment interest, at the maximum rate permitted by law;

6. All taxable costs of court expended in this lawsuit;

7. Reasonable and necessary attorney fees;

8. A mandatory injunction reinstating Plaintiff to full employment, with all pertinent employment benefits and perquisites, retroactive to January 9, 2015;

9. A mandatory injunction enjoining Defendant from violating rights secured by the Texas Labor Code and, specifically, enjoining Defendant from discriminating against individuals on account of their gender, disability or who are in the age-protected class and/or because they have previously filed an EEO complaint or litigation against the Defendant within the meaning of the Texas Labor Code;

10. A Court Order directing Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for individuals in the age-protected class, due to their gender, and individuals with disabilities and which eradicate the culture of retaliation that permeates the Defendant's workplace and the effect of its past and present unlawful employment practices; and

11. Such other and further legal relief, either at law or equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

EDWARD L. PIÑA
Attorney at Law
State Bar No. 16011352
Edward L. Piña & Associates, P.C.
The Ariel House
8118 Datapoint Drive
San Antonio, Texas 78229
epina@arielhouse.com
(210) 614-6400 Telephone
(210) 614-6403 Facsimile
ATTORNEY FOR PLAINTIFF

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

[ ] FEPA
[X] EEOC 451-2015-01495

Texas Workforce Commission Civil Rights Division and EEOC

State or local Agency, if any

Name *(indicate Mr., Ms., Mrs.)*	Home Phone *(Incl. Area Code)*	Date of Birth
Mr. Rolando Beltran	(210) 326-0708	12-26-1972

Street Address	City, State and ZIP Code
15046 Misty Bend, San Antonio, TX 78217	

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name	No. Employees, Members	Phone No. *(Include Area Code)*
UNION PACIFIC RAILROAD	500 or More	

Street Address	City, State and ZIP Code
2115 Furragut St., Laredo, TX 78041	

Name	No. Employees, Members	Phone No. *(Include Area Code)*

Street Address	City, State and ZIP Code

DISCRIMINATION BASED ON *(Check appropriate box(es).)*

[X] RACE [ ] COLOR [X] SEX [ ] RELIGION [X] NATIONAL ORIGIN
[ ] RETALIATION [X] AGE [X] DISABILITY [ ] GENETIC INFORMATION
[ ] OTHER *(Specify)*

DATE(S) DISCRIMINATION TOOK PLACE
Earliest 01-13-2015 Latest 01-13-2015

[ ] CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s)):*

On or about January 13, 2015, I received a letter from Union Pacific Railroad signed by Superintendent Mike Veracious indicating that I had been discharged for violating their Drug and Alcohol policy. Prior to my discharge, Union Pacific Railroad's contract doctor - Dr. Barnett advised me that my tests showed positive for illegal drugs-Street Meth. I advised Dr. Barnett that I never took any illegal drugs. I advised him that I was taking prescription drugs and over the counter medication. Dr. Barnett asked me what prescription medications I was taking. I provided Dr. Barnett with the medications I was taking and he advised me that he did not hear the right answer to his question and then advised me that my tests came back showing Street Meth. I further advised Dr. Barnett that I also take over the counter drugs and he told me no I don't want to hear about other over the counter medications that what I had in my system was Street Meth.

I believe I have been discriminated against based on my race/national origin (Hispanic), and sex

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – *When necessary for State and Local Agency Requirements*

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Apr 17, 2015 [signature]

Date *Charging Party Signature*

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE *(month, day, year)*

PLAINTIFF'S EXHIBIT
I

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: ☐ FEPA ☒ EEOC	Agency(ies) Charge No(s): 451-2015-01495

Texas Workforce Commission Civil Rights Division and EEOC
State or local Agency, if any

(male) in violation of Title VII of the Civil Rights Act of 1964, as amended. I further believe I have been discriminated against based on my disability in violation of the Americans with Disabilities Act of 1990 and because of my age in violation of the Age Discrimination in Employment Act of 1967, as amended.

2015 APR 17 PM 2 30

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – *When necessary for State and Local Agency Requirements*
I declare under penalty of perjury that the above is true and correct. Apr 17, 2015 [signature] *Date* *Charging Party Signature*	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE *(month, day, year)*

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).

2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.

3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.

4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.

5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

101 East 15th Street, Room 144T
Austin, TX 78778-0001
www.twc.state.tx.us

(512) 463-2642 Main
(512) 463-2643 Fax
(888) 452-4778 Toll Free

Texas Workforce Commission
Civil Rights Division
NOTICE OF RIGHT TO FILE A CIVIL ACTION

September 28, 2015

ROLANDO BELTRAN
c/o EDWARD L PINA
EDWARD L. PINA ATTORNEY AT LAW
8118 DATAPOINT DRIVE
SAN ANTONIO, TX 78229-3268

Re: *ROLANDO BELTRAN v. UNION PACIFIC RAILROAD COMPANY*
EEOC Complaint # 451-2015-01495
CRD/Local Commission Complaint #

The above-referenced case was processed by the United States Equal Employment Opportunity Commission or a local agency. Pursuant to Sections 21.252 and 21.254 of the Texas Labor Code, this notice is to advise you of your right to bring a private civil action in state court in the above-referenced case. YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.

If your case has been successfully resolved by the U. S. Equal Employment Opportunity Commission or another agency through a voluntary settlement or conciliation agreement, you may be prohibited by the terms of such an agreement from filing a private civil action in state court pursuant to the Texas Commission on Human Rights Act, as amended.

The United States Supreme Court has held in *Kremer v. Chemical Construction Corporation*, 456 U.S. 461 (1982), that a federal district court must generally dismiss a Title VII action involving the same parties and raising the same issues as those raised in a prior state court action under Chapter 21 of the Texas Labor Code. Therefore, filing a lawsuit in state court based on the issuance of this notice of right to file a civil action may prevent you from filing a lawsuit in federal court based on Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e - et seq.

Sincerely,

Lowell A. Keig
Division Director

RETAIN ENVELOPE TO VERIFY DATE RECEIVED

Copy to:

UNION PACIFIC RAILROAD COMPANY
2115 FURRAGUT STREET
LAREDO, TX 78041

CERT-C-NCO2(6/92)

PLAINTIFF'S
EXHIBIT
2

"The Texas Workforce Commission Civil Rights Division is an Equal Opportunity Employer"

Ex 25

MICHAEL P. ZEITLIN
8926 Willmon Way
San Antonio, TX 78239
Cell: 210-379-0953
Michael_zeitlin.md@sbcglobal.net
Efax: 800-328-7139

Re: Roland Beltran

To Whom It May Concern:

I have received results for Mr. Beltran's random urine drug test collected on November 20, 2014. In my medical opinion the positive results of Amphetamine 453 ng/ml and methamphetamine 1998 ng/mL, D-meth 72.3 % appear to be false positive results. At the time of collection, the test subject had been taking prescriptioin medication and over the counter. The test subject was prescribed the following medication by his primary care physician Dr. Eduardo Benavides, M.D.: Phentermine 37.5 mg (a structural analogue to amphetamine and has similar activity), Symbicort 160-4.5 mg, Ulcor 8 mg, Colcrys 0.6 mg. He was also taking over the counter medication for a common cold to include Nyquil D which contains Pseudoephedrine (30 mg/15 mL) and NeilMed inhaler which active ingredient includes Levomethamphetamine which is the levorotary (L-enantiomer) form of methamphetamine. An extensive medication history including prescription medication, herbal medication and over the counter medication should be obtained from the subject. This is important in order to anticipate false positives as well as differentiate between drug abuse and drugs used to legitimate medical purposes.

Amphetamine or methamphetamine is the most common reported false-positive urine drug test result. Given the structural similarity between agents, such as ephedrine and amphetamine. Some common substance that may cause false-positives for Amphetamine and methamphetamine on urine drug test include: Amantadine, Brompheniramine, Bupropion Chrlorpromazine, Desipramine, Desoxyephedrine, Ephedrine, Fluoxetine, Isometheptene, Isolxsuprine, Labetalol. Phentermine, Phenylephrine, Phenylpropanolamine, Promethazine, Pseudoephedrine, Ranitidine, Selegiline, Thioridazine, Trazadone, Trimethobenzamide, Trimipramine and Vicks Inhaler (active ingredient Levomethamphetamine). It is stated that neither immunoassay nor GC-MS can differentiate between l and d isomers and a positive result for amphetamines will be found; an alternate test, Chiral chromatography, may be needed.

It is my professional medical opinion that Mr. Beltran should have the opportunity of a re-test to confirm the alleged positive results. I highly suggest the test subject be re-tested to properly include all medication he has been taking in the past few weeks.

Respectfully,

Michael P. Zeitlin, MD

Michael P. Zeitlin, MD

PLAINTIFF'S EXHIBIT 3

CT Corporation

Service of Process Transmittal
10/30/2015
CT Log Number 528083253

TO: Benton R Bond
Union Pacific Railroad Company
801 Louisiana St Ste 300
Houston, TX 77002-4942

RE: **Process Served In Texas**

FOR: Union Pacific Railroad Company (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	ROLANDO BELTRAN, Pltf. vs. Union Pacific Railroad Company, Dft.
DOCUMENT(S) SERVED:	Citation, Petition, Exhibit(s)
COURT/AGENCY:	131st Judicial District Court, Bexar County, TX Case # 2015CI18007
NATURE OF ACTION:	Plaintiff prays final trial on the merits, he recover judgment against the defendant
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Dallas, TX
DATE AND HOUR OF SERVICE:	By Certified Mail on 10/30/2015 postmarked on 10/26/2015
JURISDICTION SERVED :	Texas
APPEARANCE OR ANSWER DUE:	By 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition
ATTORNEY(S) / SENDER(S):	EDWARD LEONARD PINA Edward L. Pina & Associates, P.C. 8118 Datapoint Drive San Antonio, TX 78229 (2.10) 6:14-6400
ACTION ITEMS:	CT has retained the current log, Retain Date: 10/30/2015, Expected Purge Date: 11/04/2015 Image SOP Email Notification, Patricia Cuppernull phcuppernull@up.com Email Notification, Yolanda Jerez yjerez@up.com Email Notification, Benton R Bond brbond@up.com
SIGNED: **ADDRESS:**	C T Corporation System 1999 Bryan St Ste 900 Dallas, TX 75201-3140
TELEPHONE:	214-932-3601

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

Donna Kay McKinney
Bexar County District Clerk
101 W. Nueva, Suite 217
SAN ANTONIO, TEXAS 78205

RETURN SERVICE REQUESTED

CERTIFIED MAIL®

7015 1730 0000 9391 9229

neopost
10/26/2015
US POSTAGE $007.67
FIRST-CLASS MAIL
ZIP 78205
041M12250025

UNION PACIFIC RAILROAD COMPANY
C/O CT CORPORATION SYSTEM
1999 BRYAN ST
DALLAS, TX 75201-3136

75201313136 0005

CERTIFIED MAIL #70151730000093919229 **Case Number: 2015-CI-18007**

2015CI18007 S00001

ROLANDO BELTRAN

Plaintiff

vs.

UNION PACIFIC RAILROAD COMPANY

Defendant.

(Note: Attached document may contain additional litigants).

IN THE DISTRICT COURT
131st JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

DIRECTED TO: UNION PACIFIC RAILROAD COMPANY

BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM
1999 BRYAN ST
DALLAS TX 75201-3136

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 23rd day of October, 2015.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 26TH DAY OF OCTOBER A.D., 2015.

PETITION

EDWARD LEONARD PINA
ATTORNEY FOR PLAINTIFF
8118 DATAPOINT DR
SAN ANTONIO, TX 78229-3200

Donna Kay McKinney
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205
By: *Victoria R Angeles*, Deputy

Officer's Return

Came to hand on the 26th day of October 2015, A.D., at 3:54 o'clock P.M. and EXECUTED (NOT EXECUTED) by CERTIFIED MAIL, on the _____ day of ____________, A.D., 20___, by delivering to ______________________________ a true copy of this Citation, upon which I endorse the date of delivery, together with the accompanying copy of the PETITION

Cause of failure to execute this Citation is ______________________.

Donna Kay McKinney
Clerk of the District Courts of
Bexar County, Texas
By: *Victoria R Angeles*, Deputy

ORIGINAL (DK003)